

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1829, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 29-3-2-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) This article
- 5 applies to the following:
- 6 (1) The business affairs, physical person, and property of every
- 7 incapacitated person and minor residing in Indiana.
- 8 (2) Property located in Indiana of every incapacitated person and
- 9 minor residing outside Indiana.
- 10 (3) Property of every incapacitated person or minor, regardless of
- 11 where the property is located, coming into the control of a
- 12 fiduciary who is subject to the laws of Indiana.
- 13 (b) Except as provided in subsections ~~(c)~~ (c) through (e), the court
- 14 has exclusive original jurisdiction over all matters concerning the
- 15 following:
- 16 (1) Guardians.
- 17 (2) Protective proceedings under IC 29-3-4.
- 18 (c) A juvenile court has exclusive original jurisdiction over matters
- 19 relating to **the following**:
- 20 **(1)** Minors described in IC 31-30-1-1.

(2) Matters related to guardians of the person and guardianships of the person described in IC 31-30-1-1(10).

(d) Except as provided in subsection (c), courts with child custody jurisdiction under:

- (1) IC 31-14-10;
- (2) IC 31-17-2-1; or
- (3) IC 31-17-3-3;

have original and continuing jurisdiction over custody matters relating to minors.

(e) A mental health division of a superior court under IC 33-5.1-2 has jurisdiction concurrent with the court in mental health proceedings under IC 12-26 relating to guardianship and protective orders.

(f) Jurisdiction under this section is not dependent on issuance or service of summons."

Page 2, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 3. IC 31-30-1-1, AS AMENDED BY P.L.164-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. A juvenile court has exclusive original jurisdiction, except as provided in sections 9, 10, 12, and 13 of this chapter, in the following:

- (1) Proceedings in which a child, including a child of divorced parents, is alleged to be a delinquent child under IC 31-37.
- (2) Proceedings in which a child, including a child of divorced parents, is alleged to be a child in need of services under IC 31-34.
- (3) Proceedings concerning the paternity of a child under IC 31-14.
- (4) Proceedings under the interstate compact on juveniles under IC 31-37-23.
- (5) Proceedings governing the participation of a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for a child under IC 31-34-16 or IC 31-37-15.
- (6) Proceedings under IC 31-34-4, IC 31-34-5, IC 31-37-5, and IC 31-37-6 governing the detention of a child before a petition has been filed.
- (7) Proceedings to issue a protective order under IC 31-32-13.
- (8) Proceedings in which a child less than sixteen (16) years of age is alleged to have committed an act that would be a

1 misdemeanor traffic offense if committed by an adult.

2 (9) Proceedings in which a child is alleged to have committed an
3 act that would be an offense under IC 9-30-5 if committed by an
4 adult.

5 **(10) Guardianship of the person proceedings for a child:**

6 **(A) who has been adjudicated as a child in need of services;**

7 **(B) for whom a juvenile court has approved a permanency**
8 **plan under IC 31-34-21-7 that provides for the**
9 **appointment of a guardian of the person; and**

10 **(C) who is the subject of a pending child in need of services**
11 **proceeding under IC 31-34.**

12 **(11) Other proceedings specified by law.**

13 SECTION 4. IC 31-30-2-1 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) Except as
15 provided in subsections (b) and (c), the juvenile court's jurisdiction
16 over a delinquent child or a child in need of services and over the
17 child's parent, guardian, or custodian continues until:

18 (1) the child becomes twenty-one (21) years of age, unless the
19 court discharges the child and the child's parent, guardian, or
20 custodian at an earlier time; or

21 (2) guardianship of the child is awarded to the department of
22 correction.

23 (b) The juvenile court may, on its own motion, after guardianship of
24 a child is awarded to the department of correction, reinstate the court's
25 jurisdiction for the purpose of ordering the child's parent, guardian, or
26 custodian to participate in programs operated by or through the
27 department of correction.

28 (c) The juvenile court's jurisdiction over a parent or guardian of the
29 estate of a child under this section continues until the parent or
30 guardian of the estate has satisfied the financial obligation of the parent
31 or guardian of the estate that is imposed under IC 31-40 (or
32 IC 31-6-4-18 before its repeal).

33 **(d) The jurisdiction of the juvenile court over a proceeding**
34 **described in IC 31-30-1-1(10) for a guardianship of the person**
35 **continues until the earlier of the date that:**

36 **(1) the juvenile court terminates the guardianship of the**
37 **person; or**

38 **(2) the child becomes:**

(A) nineteen (19) years of age, if a child who is at least eighteen (18) years of age is a full-time student in a secondary school or the equivalent level of vocational or technical training; or

(B) eighteen (18) years of age, if clause (A) does not apply.

If the guardianship of the person continues after the child becomes the age specified in subdivision (2), the juvenile court shall transfer the guardianship of the person proceedings to a court having probate jurisdiction in the county in which the guardian of the person resides. If the juvenile court has both juvenile and probate jurisdiction, the juvenile court may transfer the guardianship of the person proceedings to the probate docket of the court.

(e) The jurisdiction of the juvenile court to enter, modify, or enforce a support order under IC 31-40-1-5 continues during the time that the court retains jurisdiction over a guardianship of the person proceeding described in IC 31-30-1-1(10).

(f) At any time, a juvenile court may, with the consent of a probate court, transfer to the probate court guardianship of the person proceedings and any related support order initiated in the juvenile court."

Page 2, line 17, delete "A parent who" and insert "Any person who in good faith".

Page 6, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 11. IC 31-34-21-7.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7.7. If the juvenile court approves a permanency plan under section 7 of this chapter that provides for the appointment of a guardian for a child, the juvenile court may appoint a guardian of the person and administer a guardianship for the child under IC 29-3. If a guardianship of the person proceeding for the child is pending in a probate court, the probate court shall transfer the proceeding to the juvenile court."

Page 8, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 13. IC 33-5-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) Subject to this section, the superior courts have the same jurisdiction as the Boone circuit court. ~~except that:~~

(+) (b) Only the circuit court has juvenile jurisdiction. ~~and~~

(2)(c) **Except as provided in IC 31-30-1-1**, only the superior court No. 1 has probate jurisdiction.

SECTION 14. IC 33-5-25-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) **The Except as provided in IC 31-30-1-1**, Hendricks superior court No. 1 has original, exclusive jurisdiction in all matters pertaining to the probate of wills, the appointment of guardians, executors, administrators, personal representatives, and trustees, and to the administration and settlement of estates of protected persons (as defined in IC 29-3-1-13) and deceased persons, and of trusts, adoptions, and surviving partnerships, and in all probate and other matters provided for by IC 29, except its jurisdiction is not exclusive to civil actions by or against personal representatives, but is concurrent with the Hendricks circuit court, Hendricks superior court No. 2, and Hendricks superior court No. 3.

(b) Except as provided in subsection (a), each superior court in the county has original and concurrent jurisdiction with the circuit court in all civil actions and proceedings at law and in equity, and actions for dissolution or annulment of marriage, and in all criminal cases and proceedings, but ~~neither none of the superior court has courts have~~ the jurisdiction of a juvenile court.

(c) Each superior court in the county has original and concurrent jurisdiction with the circuit court in all appeals or reviews from boards of county commissioners or other executive or administrative agencies and all other appellate jurisdiction vested in the circuit court."

Page 8, after line 5, begin a new paragraph and insert:

"SECTION 16. [EFFECTIVE JULY 1, 2001] (a) **IC 29-3-2-1, IC 31-30-1-1, IC 31-30-2-1, IC 33-5-9-5, and IC 33-5-25-5, all as amended by this act, and IC 31-34-21-7.7, as added by this act, apply to all proceedings pending under IC 31-34 on July 1, 2001, and to all proceedings commenced under IC 31-34 after June 30, 2001.**

(b) **On July 1, 2001, all guardianship of the person matters:**

(1) **that are pending in a court other than a juvenile court;**
and

(2) **over which a juvenile court has exclusive original jurisdiction under IC 31-30-1-1, as amended by this act;**

shall be transferred to the juvenile court. A matter transferred under this SECTION shall be treated as if it were originally filed

- 1 **in the juvenile court."**
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1829 as reprinted February 28, 2001.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Bray

Chairperson